

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANNY DUANE WHARTON,

Defendant.

Case No. 3:15-cr-00055-MMD-CLB-3

ORDER


On April 2, 2020, the Court appointed CJA counsel Thomas Qualls for the limited purpose of determining whether, under *Rehaif v. United States*, 139 S. Ct. 2191 (2019) and/or *United States v. Davis*, 139 S. Ct. 2319 (2019), Defendant Danny Duane Wharton qualifies for relief under 28. U.S.C. § 2255 or 28 U.S.C. § 2241. (ECF No. 141.) The Court directed Qualls to present for adjudication any petitions, motions, or applications that he deemed appropriate. (*Id.*) Qualls has yet to make any filings.

Before the Court is Qualls' motion to withdraw. (ECF No. 155 (the "Motion").) The Court lacks sufficient information to determine whether to grant the Motion.

It is therefore ordered that Qualls must file a status report, within five days of the date of entry of this Order, on his progress regarding the relief available to Wharton.

It is further ordered that the Court holds a final decision on the Motion in abeyance pending receipt of Qualls' response.

DATED THIS 2nd Day of April 2021.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE